



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 10, 1992

Ms. Kelly M. Massad  
Legal Counsel  
Dallas/Fort Worth International Airport  
Administrative Offices  
P. O. Drawer DFW  
Dallas/Fort Worth Airport, Texas 75261

OR92-319

Dear Ms. Massad:

You ask whether certain information in a contract by the Dallas/Fort Worth International Airport Board with Bechtel Corporation is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 15632.

You inform us that the information at issue contains "negotiated Fixed Fee, overhead rates and salary ranges" for other contracts yet to be executed between the board and Bechtel and that release of that information would give advantage to Bechtel's competitors for the award of the final contracts and would "seriously damage the integrity of the Request for Proposal (RFP) process." You claim that the information is excepted from required disclosure by section 3(a)(4) of the Open Records Act. Section 3(a)(4) permits withholding of "information which, if released, would give advantage to competitors or bidders." On the basis of your representations, we conclude that the information at issue may be withheld under section 3(a)(4) at this time. *See, e.g.,* Open records Decision No. 306 (1982). Please note that the protection of section 3(a)(4) normally extends only until the contracts which are the subject of bidding are finally awarded. *See, e.g.,* Open Records Decision No. 402 (1983).

In view of our determination that the information at issue may be withheld at this time under section 3(a)(4) we need not now address your arguments that the information also falls within the exception provided for by section 3(a)(10).

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR92-319.

Yours very truly,



William Walker  
Assistant Attorney General  
Opinion Committee

WW/GCK/lmm

Ref.: ID#15632

Enclosures: Open Records Decision Nos. 306, 402

cc: Mr. C. J. Scheef  
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